

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1484

XUE TUAN YAN,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A70-697-040)

Submitted: November 10, 2004

Decided: November 23, 2004

Before WILKINSON, MOTZ, and GREGORY, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Charles Christophe, CHRISTOPHE & ASSOCIATES, P.C., New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, Douglas E. Ginsburg, Senior Litigation Counsel, Jonathan F. Potter, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Xue Tuan Yan, a native and citizen of the People's Republic of China, petitions for review of an order of the Board of Immigration Appeals (Board) denying his third motion to reopen. We have reviewed the record and deny the petition for review.

We review the denial of a motion to reopen for abuse of discretion by the Board. 8 C.F.R. § 1003.2(a) (2004); INS v. Doherty, 502 U.S. 314, 323-24 (1992); Stewart v. INS, 181 F.3d 587, 595 (4th Cir. 1999). The denial of a motion to reopen must be reviewed with extreme deference, since immigration statutes do not contemplate such motions and the applicable regulations disfavor them. M.A. v. INS, 899 F.2d 304, 308 (4th Cir. 1990) (en banc). We have reviewed the administrative record and the Board's decision and find no abuse of discretion.

Accordingly, we deny the petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED